



WESTFIELD-WASHINGTON TOWNSHIP  
BOARD OF ZONING APPEALS

May 16, 2023

2305-VS-09

Exhibit 1

**Petition Number:** 2305-VS-09

**Subject Site Address:** 19002 Shady Nook Rd. ("the Property")

**Petitioner:** Bill Chichwak ("the Petitioner")

**Request:** Two (2) Variances of Development Standard to modify the Minimum Lot Area and Minimum Lot Frontage standards for the creation of two (2) individual residential lots within the AG-SF1: Agriculture/Single-Family Rural District. *Articles 4.2(C) and 4.2 (D)*

**Current Zoning:** AG-SF1 (Agriculture / Single-family Rural District)

**Current Land Use:** Residential

**Approximate Acreage:** 2.67 acres +/-

**Exhibits:**

1. Staff Report
2. Location Map
3. Site Plan
4. Application

**Staff Reviewer:** Weston Rogers, Associate Planner

---

## **OVERVIEW**

**Location:** The subject Property is 2.67 acres +/- in size (the "Property") and is located at 19002 Shady Nook Road (see **Exhibit 2**). The Property is zoned AG-SF1 – Agriculture / Single-family Rural District. The adjacent properties to the north, west, and south are also zoned AG-SF1. The adjacent Property to the east is zoned Andover North Planned Unit Development (PUD) District.

**Property History:** Since the late 1980's the Property appears to have been utilized for single-family residential purposes. Prior to this time period the Property appears to have been utilized for agricultural purposes. A previous Board of Zoning Appeals case (86-V-13) is associated with this property. This previously approved petition permitted the creation of the Property to be less than three (3) acres in size.

### **Requested Variances:**

The Petitioner requests two (2) Variances of Development Standard:

- 1) Modify the Minimum Lot Area from three (3) acres to one (1) acre – [Article 4.2\(C\)](#)
- 2) Modify the Minimum Lot Frontage from two-hundred and fifty (250) feet to one-hundred and fifty (150) feet – [Article 4.2\(D\)](#)



---

## **SUMMARY OF VARIANCES**

- 1) Modify the Minimum Lot Area from three (3) acres to one (1) acre – Article 4.2(C)
  - The Unified Development Ordinance (UDO) requires AG-SF1 zoning properties to have a Minimum Lot Area of three (3) acres in size. The requested variance of development standard would modify the Minimum Lot Area to one (1) acre in size.
- 2) Modify the Minimum Lot Frontage from two-hundred and fifty (250) feet to one-hundred and fifty (150) feet – Article 4.2(D)
  - The Unified Development Ordinance (UDO) requires AG-SF1 zoning properties to have a Minimum Lot Frontage of two-hundred and fifty (250) feet. The requested variance of development standard would modify the Minimum Lot Frontage to be one-hundred and fifty (150) feet.

The Westfield Department of Public Works has reviewed this proposal and has no objections to the requested variances of development standard.

---

## **PROCEDURAL**

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Development Standard. This petition is scheduled to receive its public hearing at the May 16, 2023 Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals' Rules of Procedure.

Conditions: The UDO<sup>1</sup> and Indiana law provide that the Board of Zoning Appeals may impose reasonable conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of the UDO upon any Lot benefited by a variance as may be necessary or appropriate to prevent or minimize adverse effects upon other Property and improvements in the vicinity of the subject Lot or upon public facilities and services. Such conditions shall be expressly set forth in the order granting the variance.

Acknowledgement of Variance: If the Board of Zoning Appeals approves this petition, then the UDO<sup>2</sup> requires that the approval of the variance shall be memorialized in an acknowledgement of variance instrument prepared by the Department. The acknowledgement shall: (i) specify the granted variance and any commitments made or conditions imposed in granting of the variance; (ii) be signed by the Director, Property Owner and Applicant (if Applicant is different than Property Owner); and (iii) be recorded against the subject Property in the Office of the Recorder of Hamilton County, Indiana. A copy of the recorded acknowledgement shall be provided to the Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

---

<sup>1</sup> Article 10.14(I) Processes and Permits; Variances; Conditions of the UDO.

<sup>2</sup> Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.



WESTFIELD-WASHINGTON TOWNSHIP  
BOARD OF ZONING APPEALS

May 16, 2023

2305-VS-09

Exhibit 1

Variances of Development Standard: The Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the underlying zoning ordinance. A variance may be approved under Indiana Code § 36-7-4-918.5 only upon a determination in writing that:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
2. The use and value of the area adjacent to the Property included in the variance will not be affected in a substantially adverse manner; and
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject Property.

---

**DEPARTMENT COMMENTS:**

**Approval:** If the Board finds that adequate evidence is shown that the Variances of Development Standard meet the applicable review criteria, then the Department recommends approval of the Variances of Development Standard 2305-VS-09), with the recommended conditions and findings as set forth below:

**Recommended Conditions of Approval:**

1. That the Petitioner shall record an acknowledgement of this approval with the Hamilton County Recorder's Office and return a copy of the recorded instrument to the Community Development Department;
2. That the site shall be developed in substantial compliance with **Exhibit 3**;
3. That the Petitioner shall file a Secondary Plat application to the Community Development Department for review, comment, and approval;
4. And, that the Petitioner shall record the approved Secondary Plat with the Hamilton County Recorder's office and return a fully executed digital copy of the recorded plat to the Community Development Department.

**Recommended Findings for Approval:**

- 1) *The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*

**Finding:** It is unlikely that approving the requested variance would be injurious to the public health, safety, morals, and general welfare of the community because the existing use and proposed improvements will otherwise comply with the applicable standards of the AG-SF1: Agriculture/Single-Family Rural District.

- 2) *The use and value of the area adjacent to the Property included in the variance will not be affected in a substantially adverse manner:*

**Finding:** It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The proposed variance should not have a negative impact on surrounding properties because the use of the property will not change.



WESTFIELD-WASHINGTON TOWNSHIP  
BOARD OF ZONING APPEALS

May 16, 2023

2305-VS-09

Exhibit 1

- 3) *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject Property:*

**Finding:** Strict adherence to the zoning ordinance would result in the inability to create an additional lot for a single-family residence in character with the immediate surrounding neighborhood vicinity.

**Denial:** If the Board is inclined to deny the requested variances, then the Department recommends denying the variances, and then tabling the adoption of findings until the Board's next meeting with direction to the Department to prepare the findings pursuant to the public hearing evidence and Board discussion.